

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CLARENCE H. ELLIOT,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

2:08-cv-00829-GMN-GWF

ORDER

This closed action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. This Court granted habeas relief to petitioner Clarence H. Elliot on September 23, 2011. (ECF No. 45). On October 25, 2011, this Court granted petitioner's motion for release, pending the resolution of respondents' appeal to the United States Court of Appeals for the Ninth Circuit. (ECF No. 58). Pursuant to the Magistrate Judge's order, petitioner posted a cash bond of \$25,000.00 on July 24, 2012. (ECF Nos. 64 & 65). Petitioner was released from the custody of the Nevada Department of Corrections. (ECF No. 69).

By memorandum opinion filed November 21, 2013, the United States Court of Appeals for the Ninth Circuit affirmed this Court's grant of habeas relief. (ECF No. 86). The Court of Appeals issued mandate on December 16, 2013. (ECF No. 87).

On February 4, 2014, petitioner filed a motion for the return of the \$25,000.00 cash bond. (ECF No. 91). By order filed February 5, 2014, the Court expedited the briefing schedule for this

1 motion. (ECF No. 92). Respondents have filed a notice of non-opposition to petitioner's motion.
2 (ECF No. 93).

3 Petitioner has complied with his release conditions while on bond. (ECF No. 91, at Exhibit
4 A, Letter from U.S. Pretrial Services Officer). Petitioner informs this Court that on January 23,
5 2014, he was notified that the State seeks to retry him in the Eighth Judicial District Court. (ECF
6 No. 91, at Exhibit B, Notice of Hearing, Eighth Judicial District Case No. 97-C-142132). Good
7 cause appearing, petitioner's motion for return of the \$25,000.00 cash bond is granted.

8 **IT IS THEREFORE ORDERED** that petitioner's motion for the return of \$25,000.00 cash
9 bond (ECF No. 91) is **GRANTED**.

10 **IT IS FURTHER ORDERED** that the \$25,000.00 cash bond **SHALL BE EXONERATED**
11 **AND RETURNED** to petitioner Clarence H. Elliot forthwith. Petitioner is **HEREBY RELEASED**
12 from the supervision of the U.S. Pretrial Services Office.

13 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL PROVIDE** a copy of this
14 order to the U.S. Pretrial Services Office, attention Jaime Stroup, in Las Vegas, Nevada.

15 Dated this 7 day of February, 2014.

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19 Gloria M. Navarro, Chief Judge
20 United States District Court
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